PROSECUTED REPORTER THE ARRAY OF COUNSEL!

A JOHNSONIAN OPENING WILLIAMS READS THE AFFIDAVIT

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litely Tills Miller to round his own Business—
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Agoin Interferes—Judge Parcell Declines to
be Dictated by—Mr. McHenry Beard From—
He Groves Profine and Wand to Clean Mr.
Miller Out—Which Side is McHenry On—
Parcell Wans to be Let Alone—Domando
the Assistance of the Paiges—The Judge to
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and Client are Afraid of—The Langues to
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Virticous Soul Scotle with Indignation at the the Most Brasible Speech of the Day—But dence Frontilly Commenced Tail East Formassi—Index Purcell Says he is the Mon Mount in the Allegal Loys he is the Mon Mount in the Allegal Loys he is the Mon Circumstances on which it is Founded—His Virtness Soul Seath Sullipsation at the Conduct of an Immoral Woman—He Newer Familial the Bushenshury Hells—He Lows om all, God Hises 'em—He Duth' Drink Whishy—He Instigged in Saraparilla Fop—He dat was only in the Water Knee Deep—What was only in the Water Knee Deep—What was only in the Water Knee Deep—What Court—He Says They Prink Like Ekh— He Rings the Changes on the Butelligence and Respectability of Ma Asyminishers—Resmi-nation of Witness—Not Mich, Light on the Sulpier—Case Pustpunishers—Resmi-nation of Witness—Not Mich, Light on the

hearing of Mr. Arthur Shepherd, one f the reporters of the Rarvatican, on the arge of writing an article defami character of Wm. F. Purcell, judge of

on Indiana arono, near Four-and-a-half street. Upon the door of the office was a card, upon which were written the word. "At the Aldermen's Chamber, City Hall."

Among the crowd assembled at the anti-quated building, in which Justice Walter is wont to hold his cours, was "One Secretary was "One Se



JUSTICE WALTER'S OFFICE. FROM WHICH THE CASE WAS REMO To the City Hall the gaping crowd wonder



-weekly. It was crowded to its utmos with great difficulty that the counsel on cither side source a place at the secretary's table, which stands in front of the desk of the presiding officer, which was to be occupied by the justice who was to hear the case. Before the trial commenced "Our Special Artist," with that energy which characterizes the atlaches of the REPURDICAN, was hard at work, and be has prepared for us the following portraits, which, in view of the short time allowed him, are creditable specimens of his skill:

We first have a postrait of



THE PROSECUTING WITNESS.

Judge Wm. F. Purcell, who is the procecuting witness is this great case, has for the past twenty-one years been the presiding judge of the Orphans' Court of this District. In his administration of testamentary affairs he has been singularly fortunate, his decisions being always correct, as an avidence of which we may state that in his long connection with this court not one of his decisions has ever been reversed.

He is a man aimost 60 years of age. At least he is on the shady side of life, but is still strong, healthy and vigorous, physically and mentally. He weights perhaps 175 or 189 penula, there or thereabouts. His whole physical appearance indicates that he is food of good living, while the fact that he is 'marked or the state of the strong of of the st

## National Republican.

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THE PROSECUTED.

Mr. Shepherd, the party alleged to have written the article upon which the action is based, is a young man of quiet manner and modest and retiring disposition. Although having been connected for several years with journals of this city, his name has hereto-fore been "unknown to this port of fame," and ha does not seem to be at all elated by the unenyiable notoriety this prosecution by Judge Purcell has occasioned him. He was dressed on this eccasion as said of grey summer cloth, it belug the uniform suit adopted by the editor'l corps of the Revunities. As is generally known, he has lost his left arm, soft in the rebel army, however, as has been gratultonsly and unaliciously circulated by a number of unprincipled persons in this city. Our artist next gives us a portrait of



THE PRESIDING JUSTICE.

Charles Walter, esq., before whom the case was heard, is one of the best known and efficient justices of the District. For years he has had the reputation of being one of the best informed police magistrates under the authority of the beard of police. Some mouths ago he was displaced from this position, and he is now officiating as justice of the peace only. He is a native of Germany, but has long been a naturalized citizen, and has oft officiated as justice of election and held other offices of bonor, trust and profit. He is a goulat, whole-souled Teuton, and has lately attained the distinction of being numbered among the handsome men of the age. The ladies of Baltimore the other day presented him with a boquet in recognition of the fact that he was the handsomest man in the Sængerfest procession.

We next have a group of three of the

COUNSEL FOR THE PROSECUTION.

The prosecution was in charge of and represented by quite a number of the legal fasternity of the city, among whom were masses. O. D. Herrett, John H. Johnson, Gen. W. P. Lasselle, James E. Williams and party named Melloury, recently discharged from the Interior Department.

It is understood that Mr. R. J. Brent has been retained to attend to the case by Judge Purcell, the gentlemen who appeared yesterday being volunteers.

We have a picture of the



COUNSEL FOR THE DEFENCE.

Mr. N. H. Miller was the first volunteer for the defence, and as he was considered fully competent to run a tit against the eminent gentlemen announced to oppose lam, the prisoner had refused the great number of legal gouldenes who have been clamorous to appear in his behalf. However, yeaterday, it was found that the labor was entirely too much for Mr. Miller, and the services of R. K. Elliott, esq., a gouldenean of high legal attainments were requested and freely given by him.

"Our Artist" having obtained the pictures which we have given, each bis eyes about the room and suddenly discoursed. "Our Representative" agreed to the importunities of our graits and thus we are enabled to show our readers the pleased expression of—





"OUR REPORTER"
WHEN HE HEARD OF THE ARREST.

WASHINGTON, D. C., SATURDAY, JULY 24, 1869.

which we give a verbalim report :

The court was opened at a quarter past stree by Justice Walter.

Mr. John H. Johnson, counsel for Judge Percell. If the Court please, in the matter of the United States against Mr. Shepherd for alleged libel against the Hon. Wm. F. Parcell, I am advised to say that we are prepared to proceed to the trial. I am furthermore advised not to make an opening address to this honorable court upon the subject. We have important counsel who will not be here till Monday, owing to a press of business. A dispatch received from him today will show the reasons why he could not be present. I deem it unnecessary to make any remarks in regard to the nature of this case until the leading counsel shall make his appearance in this court. Therefore I suggest to the Court that in view of this fact this cose cannot possibly be terminated to day, and we are necessarily obliged to sak a confinence until Monday. We are cuttied to it, and I announce the fact in advance that the case caunot be tarminated to-day. We have witnesses whom we want to examine who could not be here to-day. With these few remarks we are prepared to go into the examination so far as the testimony is concerned.

Of course it is a preliminary examination. A crievous wrong has been indicated mon.

resecution.
Judge Purcell, (to Mr. Shepherd in a very
mphatic manner.) What is your plea, sir;
laughter, ] guilty or not guilty ?
Mr. Shepherd, (good-humoredly.) That is
for you to prove.

Judge Purcell. I say file your plea-guilty

Mr. Miller. I hope the proceedings before your honor will be conducted properly. If the gentleman proposes to read a part of the complaint I think we are entitled to it.

Mr. Barrett. It is for the Court to say whether the whole shall be read or not. What is the direction of your Honor, please? The Court. Oh, read it all.

Mr. Barrett. Mr. Williams please proceed to read the article then.

Mr. Williams. I should like to ask your honor whether I shall emphasize it as it is here. [Laughter.]

Mr. Shepherd. "Follow copy."

Mr. Williams then proceeded to read the article which, provoked considerable merriment.

article which, provoked consucrance ment.

At the conclusion of the reading Judge Percell adds shall I go on with my testimony? I am very gind that the goutlemen have had the whole article read, for it lays at the foundation, and it is now for me to state the whole thing as it occurred.

Mr. Miller. If the Court please.

Judge Purcell, (very carnestly.) Now, Mr. Miller, I do not intend to be interrupted by you at every step. I wast you to bear that in mind! [Laughter.]

Mr. Miller. If the Court please, I think the gentleman.

Judge Purcell. I see some of the offenders bere now, and they are treating this as a very light offence. Mr. Miller. Is the case to be summed up now, your Hodor! Mr. Barrett. Judge Purcell, please state

Mr. Barrett. Judge Purcell, please state the facts in the case.

Judge Furcell. I am going on to state the facts in the case, but that man [Mr. Miller] wor let me alone, and he must be put out of the court room. [Prolonged laughter.]

Mr. Barrett. You need not pay any attention to him. [Laughter.]

The Court said. You will have to go on now, and if this noise in the court room is not stopped I will have to have it cleared. Go on now.

bending very low.) Mr. Miller, I most respectfully ask you not to interrupt us until I get through.

The Court, Judge, proceed with your evidence, and don't be talking to Mr. Miller.

Mr. Barrett, I beg of you to proceed with your testimony, Judge.

The Court, I am determined to have stoking more laid except by the lawyers, so go on with your testimony, Judge.

Mr. Miller. I believe if your Honor please, so go on with your testimony, Judge.

Mr. Miller I believe if your Honor please, which is the gentleman is going on to tell us what transpired outside of this transaction. We wonthing and care nothing about that Judge Purcell. I knew you don't, but we insend to make you know something and care nothing about its.

Judge Purcell. I see some of the offenders here now had to have something about it.

Mr. Miller. The defendant in this case says he is here now before your Honor have withing and supplishing a cer-

Mr. Mairest. Proceed, proceed.
Mr. Maireery. Go ahead with your testmony, Judge.
Mr. Barrest. Take up the libei and read it,
and tell how much of it is true.
Judge Purcell. Oh. I have read it over
very frequently, and I state again that this
libel goes back to the magistrate's office, to
my suit for rest, and it is my duty, as I have
before stated, to commence with that. That
suit commenced through an immoral man
and woman who lived upon my place.
Mr. Miller. I object, if the Court please.
The Court has ruled that he could not go on
with the evidence unless he connected Mr.
Shepherd with it.
Judge Purcell. Give me time to connect
him, and I will connect you both. [Laughter.]
Mr. Miller. I hope the Court will see its.
Mr. Miller. I hope the Court will see its.

Judge Purcell. Give me time to connect him, and I will connect you both. [Laughter:] Mr. Miller. I hope the Court will see its rulings are respected. You have ruled repeatedly that so far as the paper is concerned we have nothing to do with it unless they bring it home to us. Judge Farcell. You do not want it brought home to you. [Laughter.] That is what you are dodging. [Renewed laughter.] You have been lying long enough now, and you are afraid of the truth. [Laughter.]

The Court. Ob, go on and let us hear the evidence.

vidence.
Mr. Miller. We don't want you to go on asking that statement.
Mr. McHenry. Oh, alt down.
Mr. Miller. I hope the Court will respect tself.
Mr. McHenry. I hope so. [To Miller—
)—— it, I'll hit you in the head if you loo't take your seat.]
Mr. Miller. Come on the other side here

and try it.

Mr. McHenry. I'll tear you to pleces if you say much more.

The Court. Go on with the evidence.
Judge Purcell. You won't allow it.

Mr. Barrett. Proceed with the evidence.
Judge Purcell. This follow [Miller] will jump up if do. [Laughter.]

Mr. Barrett. Go ahead, there are other things which jump up besides him.
Judge Purcell. I cannot go on voices he [Miller] is put out of the court-room.

Mr. McHeury. If the Court will order me I will do it, and it will afford me a great deal of pleasure.
Judge Purcell. The gentlemen on the other side can cross-examine about the ladies, [laughter.] and bring in all the evidence they choose. [Laughter.]

Mr. Barrett. Oh, Judge, proceed.
Judge Purcell. I say this paper is false from beginning to end, except that I was in Biadeusburg on the evening that this outrageous assault was committed on me in the dark, on my own lot. It mentions the ladies—[Laughter.]

Mr. Barrett. Yes, but we want it taken up that paper, entence by sentence.
Judge Purcell. I am going to give the substance. I sald it was a libel from beginning to end, and a very mailelous one, on-called for and against deceny and society.

NATIONAL REPUBLICAN PUBLISHED EVERY MORNING

(Standays excepted.)

IN W. J. MURTAGH,
rtheast Corner of Tenth and D Streets,

they will disarm you; they have a spite against you because they were concerned in robbing; you and had taken pert with this immoral woman, and have gone so far as to asy that you have denounced the ladies and, gonitensen of Biadenburg. Now, they know that is not so. Mr. Will-frame knows that before a magistrate I went and entered a disclaimer of having said anything against the ladies and genitemen of Biadenburg. [Laughter.] If had I would have done so without cause, as they had always treated me kindly, and I had no lil-feeling against them. But the last time-talking about the second ducking—[laughter]. Mr. Barrett. Let us go on in order, If you please.

Mr. Barrett. Let us go on in order, If you please.

you please.

Mr. Barrett. There is a statement to the affect that "some weeks ago the Judge was a defendant in a suit so the Judge was a defendant in a suit so the Judge was a defendant in a suit so the Judge of Stateman and the proper seaso of the trial, and while its the 'Holy Temple of Justles,' the Judge is said to have uttered remarks in relation to some of the fair belies of the village which were alike uncompilmentary and unjust.' I that so I Judge Furceil. In over made such a remark, and Mr. Williams knows I called upon the Squire and he said that I had done seach thing. Every word is faise.

Mr. Barrett. It says farther: "The trial concluded, the Judge took a walk, and seeing three of the fair ones aforesaid, spoke to thom in a manner which they aver was impolite and insulting." Is that so?

Judge Furceil. No, sir, I stepped out of the magistrate's office, when I was struck in the dark by these rowides. I never them spoke to over saw a lady, because when I was samined and struck in the dark. I was retyred by stuming, and weak to my own premises, which I found jocked up. I went then to walk for the 10 o'clock trainy and was pursued by these despensions and attacked on the way to be a saw a lady, because when I was the same that the same season was the same to the land of th

said they would kill them like dogs if they interfered.

Mr. Barrett. The article further says: "But there is an old saying, 'Pranisco, like ple crusts, are made to be broken.' The subsequent action of the Judge verified the truth of this adage, for several days after he had received his eastigation we find him one of a party who at his mvitation visited the second of his late adventure. The sisted of five gentlemen beside and among the company the are and the canal were represented, curriages served to convey them trons this

Q. Did you visit that place with a party



not know any legal questions, it is high time you should go and learn them.

Mr. Miller. If the Court please, the genticutant knows that he who now addressee your honor has very little legal knowledge, but he thinks he is able and competent to attend to this case, and whenever he desires to say anything he will address himself to the Court, and hopes the gentlemen on the other side will do the same thing; in the meantime, I hope the prosecutor will be allowed to keep quiet. [Langhter.] I rise for the purpose of moving the discharge of Mr. Shepherd. The allegations, as they have been read here by the prosecution, do not show a syliable of evidence or a syliable of fact, I may say, to connect Mr. Shepherd; in fact I do not know whether it connects he adage. I have not been able to discover anything in this case. The Judge hinself must know bet, who it is that is referred to in these allegations, and if he sees proper to admit that it is himself, all very well; but usubmit that there is no evidence to connect Mr. Shepherd, and I move that he be, thershore, discharged on the facts before your honor.

widence!
Mr. Miller. I understand they rest upon
the facts contained in the affidavit.
The Court. Which facts, it is stated, have
been written by Mr. Shepherd, who caused
the same to be published. That is what the

why, then, the prosecution may have some-thing to go upon.
Judge Purcell. We will prove the facts.
We will prove who was around.
The Coart. If any of the gentlemen will be kind enough to read the law as to what libel means, in fact, it will be better, and they will see then that it is not necessary to

Judge Parcell. I will state all the facts within my own knowiedge, but as I have before stated, they attempt to treat this thing in a very light way, but they will find differently before they are through with it.

Mr. Miller. Is the case to be summed up now, your Honor? [Laughter.]

Judge Parcell. I will state what was the foundation of this whole thing. Inasmuch as the stricle goes to the commencement of the whole thing I have a right to refer to the whole thing I have a right to refer to and explain it for my testimony, which I will do in a trathful and conscientious manner. I was in Bladensburg, and a man and a woman were working upon my premises.

Mr. Miller. I object. I have a right to commence there as to what happened in the magistrate's office. They sued me for damages, and the first blow is strack there. That is the foundation of the whole thing.

Mr. Miller. I object. I would like to hear some thing of the testimony. Mr. They four thing the publication—

Judge Purcell. I am coming to that.

Mr. Miller. I do not want to hear any statement or explanation as to what took place in Bladensburg.

Judge Purcell. I would like to hear some thing of the testimony. Mr. Miller. I do not know that took place in Bladensburg.

Judge Purcell. I am going on to state them.

Mr. Miller. I do not know that to ma fraid of.

Mr. Miller. I do not know that to ma fraid of.

Mr. Miller. I do not know that I am afraid of—

Mr. Miller. I do not know that I am afraid of—

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Mr. Miller. I do not know that I am afraid of—

Mr. Miller. I do not know that I am afraid of—

Mr. Miller. I do not know that I am af

The Court. Let the counsel ask the questions and we will see along faster.

Mr. Barrett. Judge, will you take this document and read it over estimates by sentence, and state whether each sentence is true or false, and explain the circumstances?

Mr. Miller. I object, if the Court please.

Judge Purcell, (very much exclede.) Are there any policemen in the court-reem! Great laughter.] I see Major Richards here, I guess he can bring a few.

Mr. McHenry. I would ask who is judge of this court. If Miller is, let him take his place on the bench. If you are, why make him sil down.

of this court. If Miller is, let him take his place on the bench. If you are, why make him sit down. I am not standing up. I object to this testimony, for the reason that we do not care about knowing Judge Purcell's private history.

Mr. Mclienry. Miller why don't you sit down and behave yourself?

Mr. Barrett. We propose to present our case to the Court in our own way.

Judge Purcell. Is there not a policeman have to keep order? I Laughter.

The Court. There must be a libel proved before it is traced to anybody.

Mr. Miller. Suppose a libel is proven with which we have nothing to do?

Mr. Mclienry. The first thing you know! I'l take you by the neck and pitch you out, if the Court won't do it.

Mr. Miller. You ty it.

cuttemen ?
Judge Purcell. What place?
Mr. Barrett. Bladensburg.
Judge Purcell. I did, sir. I have
lated ! went out there to demand an

Series of the se



OUR REPOTTER
WHILE WAITING THE ARTICLE.
The work of preparing the article on which the action against Mr. Shepherd is based, is said to have been an amusing labor, and "our Reporter" informed "Our Artiss" that he was compelled to frequently ay down his peaci and include in kughter.



"Our Artist" was compelled to cease

his labors, for the room was crowded, the commit were looking wise, and the Justice expressed his intention of proceeding with THE TRIAL.

these few remarks we are prepared to go into the examination so far as the testimony is concerned.

Of course it is a preliminary examination. A grievous wrong has been inflicted upon a citizen of Washington, as we expect to show; and I would like to know from the defence whether they intend to put in the truth—testimony as evidence of the truth of the fact—as a justification of the libel.

Mr. Miller. May it please the Court—The Court. I do not understand you; what do you mean to de; to have the case postponed and also go on with the testimony! Judge Purcell. Allow me one moment, if you please.

The Court. Cortainly.
Judge Purcell. I am prepared, sir, to commence with the trial now; I wish the gentleman to plead now guilty or not guilty. Let him die his plea. He has been arraigned on a most villainous libel, and I want him to plead whether he is guilty or not guilty. Let him do that, and then we will tell you how we will proceed.

Mr. Miller. May it please the Court. I do not in fact understand what the gentleman means, who has opened the case. He says he is ready to go on with and yet he lasts a postponement.
Judge Purcell. You are mistaken, sir, I

Judge Purcell. It he other side is ready we are ready.

Mr. Miller. A to the continuous and in the continuous

The Court. Well, wants to have a hearing; it is all the same Judge Furcell. Well, he pleads not guilty. Using Furcell and the same state of the court. The question is, whether you will go into an examination or not. Mr. Miller. It is for the prosecution to say. Mr. Johnson. It has been intimated by the counsel for the defence that he desires to waive an examination. If that be the case we cannot raise any objection to it.

The Court. I did not hear that.

Mr. Johnson. I regard the remarks of the gentleman as tending to imply that they desire no preliminary examination here; that they desire no preliminary examination here; that

nouor.
Judge Purcell. Shall I proceed?
The Court. Only the affidavit has been ead charging this libel upon Mr. Shepherd.
cannot see any reason for discharging him is yet.
Judge Purcell, (apparently greatly surprised.) Discharge him without hearing the
vidence!